

1 HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CANYON ESTATES CONDOMINIUM
11 ASSOCIATION, a Washington non-profit
12 corporation,

13 Plaintiff,

14 v.

15 ATAIN SPECIALTY INSURANCE
16 COMPANY; INDIAN HARBOR
17 INSURANCE COMPANY;
18 WESTCHESTER SURPLUS LINES
19 INSURANCE COMPANY; AND GREAT
20 LAKES INSURANCE, SE,

21 Defendant.

22 Case No. 2:18-cv-01761-RAJ

23 ORDER

24 This matter is before the Court on Defendant Great Lakes' objections to the order
25 granting in part and denying in part Plaintiff's motion to compel. Dkt. # 90.

26 Great Lakes makes three objections to Magistrate Judge Theiler's order. First, Great
27 Lakes objects to the magistrate's determination that attorney-client privilege does not apply
28 to the to the documents listed in Great Lakes' privilege log entries 5, 6-9, 10-16, 18-22,
and 24-69. Second, Great Lakes objects to the magistrate's determination that the work
product protections of Fed. R. Civ. P. 26 do not apply to the to the documents listed in
Great Lakes' privilege log entries 5-16, 18-24, 32-34, 36, 38, 42, 46, 47-48, 59-61, 65-67,
69-70, 72. And third, Great Lakes objects to the magistrate's order compelling the

29 ORDER – 1

1 deposition of Great Lakes' outside counsel, Michael Hooks.

2 Although the Court finds no error in the magistrate's analysis, the Court will order
3 an *in camera* review of the documents at issue above. If the assertions of privileges prove
4 to be baseless after review, the Court may exercise its discretion to issue sanctions. *Rachel*
5 *v. Banana Republic, Inc.*, 831 F.2d 1503, 1508 (9th Cir. 1987).

6 Great Lakes is ORDERED to submit the documents listed above for *in camera*
7 review no later than **4:00pm on Monday, January 13, 2020**. In an abundance of caution,
8 the Court will issue a temporary stay of the magistrate's order pending review.

9 DATED this 10th day of January 2020.

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The Honorable Richard A. Jones
United States District Judge